

OFFICERS AND SOLDIERS OF THE ARMY ON BOARD  
THE STEAMSHIPS "WINFIELD SCOTT" AND "SAN  
FRANCISCO."

[To accompany S. bill No. 103.]

JANUARY 10, 1857.

Mr. DENVER, from the Committee on Military Affairs, made the following

REPORT.

*The Committee on Military Affairs, to whom was referred the bill of the Senate, No. 103, for the relief of the officers and soldiers of the United States army who sustained loss by the disasters to the steamships "Winfield Scott" and "San Francisco," respectfully report :*

The committee at the last session of Congress reported on the memorial of S. L. Fremont, late a lieutenant in the army, who was on board of the steamer San Francisco at the time she was lost, and as the said Fremont is one of the proposed beneficiaries of this bill, the committee direct the attention of the House to the report made by them on his memorial.

IN THE HOUSE OF REPRESENTATIVES, May 23, 1856.

Mr. DENVER, from the Committee on Military Affairs, made the following report :

*The Committee on Military Affairs, to whom was referred the memorial of S. L. Fremont, late a lieutenant in the 3d artillery, U. S. A., respectfully report :*

The memorialist was one of the officers of the army who was on board of the ill-fated steamer San Francisco, bound to his post of duty, at the time she was wrecked. Accompanying him was his family, for the accommodation of which, during his long tour of duty, he was carrying with him what he alleges was a necessary amount of household furniture, which, with their baggage and his own, as well as his books, &c., lost by the wreck of the steamer, he estimates to be worth \$2,280. This amount he now claims from the government, on the

ground that the vessel was unseaworthy, and that by transporting him and his family on an unseaworthy vessel, it is obligated for whatever losses may, for that reason, to him have accrued. He contends that he was bound to obey the orders of the government, without reference to the condition of the transport.

The memorialist furnishes no evidence of the value or the necessity of the articles that he was carrying with him, and which were lost, other than his own estimate, nor any proof of the unseaworthiness of the vessel (which was at that time new and was on her first trip) other than his own statement. The committee, however, think that if, in the opinion of the memorialist, at the time of his departure, the steamer was unseaworthy, there was no rule of the service obligating him to take his family with him, or to risk the safety of any more of his personal property or baggage than was actually necessary for his own use; and on that account, if he did choose to risk the safety of his family, prudence would at least have dictated to him the propriety of insuring the large amount of personal property to reimburse the loss of which he now claims \$2,280. The committee see no reason why the government should become the insurer of the property of an officer, a precedent of which it would be establishing by the allowance of this claim. The committee discover that Congress, on the 28th of March, 1854, passed an act allowing to each of the sufferers by said accident eight months' pay and allowance, under which act the memorialist received \$864 20, a sum which the committee think is ample enough to compensate him for the necessary losses and inconveniences of the accident.

The committee, as they before remark, are unwilling to compensate officers for losses incurred by reason of the destruction of their own or their family's private baggage or personal property, because there is no propriety in making the government the insurer of the same, when, like all other citizens, the advantages of the insurance offices are open to them to protect them against losses. Independent of this consideration, there are other reasons which present themselves with great force against the admission of the principle which this claim seeks to establish, and they therefore ask to be discharged from the further consideration of the memorial.

It will be seen by the preceding report that the committee rejected the prayer of Lieutenant Fremont, on the ground that the amount received by him under the act of the 28th of March, 1854, was, in the opinion of the committee, sufficient to compensate him for the necessary losses which he incurred by the said disaster; and that, beyond that limit, the committee saw no reason why the United States should become the insurer of the private property of an officer and his family having no connexion with the discharge of the duties of his position. The committee see no reason why it should depart from that principle, which, in their opinion, is eminently just and sound. The Senate bill makes no reference to the previous relief which the sufferers by the San Francisco have received at the hands of Congress, though it limits the extent of relief it proposes to payment for such property only as was necessary and proper for, and is usually carried by, such officers and sol-

diers while on the voyage. The committee think that the principle laid down in the Fremont report should be adhered to. They therefore propose to report a substitute for the Senate bill, substituting the words "military stores, accoutrements, clothing, and supplies as were actually necessary for the discharge of the duties of said officers and soldiers," in lieu of the words "property, &c.," a liberal construction of which would defeat the intention of the act; and they also propose a proviso to the effect that the amount received by each officer and soldier under the act of March 28, 1854, be deducted from such amount as may be ascertained to cover the losses for military stores, clothing, and supplies as were actually necessary, &c., the balance to be paid to them respectively. This would place the sufferers on the San Francisco and Winfield Scott on an equal footing; as those who suffered by the disaster to the latter, unlike those who were on the former, received no relief whatever, the act of March 18, 1854, having been confined to those who were on board the San Francisco.

The committee propose to embrace in their substitute the case of Captain L. C. Hunt, who, on his way to join his command in California, lost everything he had with him by the burning of the steamer City of Pittsburg. The committee's substitute would merely place him on the same footing with the sufferers on the San Francisco and Winfield Scott, subjecting the extent of relief to be afforded him to the same limits and restrictions proposed to the others.

The committee have had brought to their attention the case of Major Austin, of the third artillery, who was to have gone out on the San Francisco, and had all his baggage on board for that purpose, but, by some unavoidable accident, was prevented from doing so. His baggage was all lost. The committee propose that he shall also receive the same extent of relief as the others.

The committee accordingly report the accompanying substitute for the Senate's bill.

